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Abortion, Catholic Teaching, and Public Policy

William E. May

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Church Teaching

The teaching of the Catholic Church on abortion is unambiguously clear: directly procured abortion is seriously wrong, a grave violation of human rights, a crime against humanity. This teaching has been affirmed time and time again throughout the centuries, and particularly in our own time when millions of unborn children are slaughtered annually. Five recent documents of the Church's magisterium can be cited to illustrate the firmness and clarity of the Church's teaching on this matter.

First, in an address on Oct. 29, 1951, Pius XII stated:

The baby in the mother's womb has the right to life immediately from God. Hence there is no man, no human authority, no science, no medical, eugenic, social, economic or moral "indication" which can establish or grant a valid judicial ground for a direct deliberate disposition of an innocent human life, that is, a disposition which looks to its destruction either as an end or as a means to another end perhaps in itself not illicit. The baby, still not born, is a man in the same degree and for the same reason as the mother.¹

Second, the bishops assembled at the Second Vatican Council twice made it clear that abortion is an infamous and uncivilized attack upon human dignity. They declared, first, that

whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia, or willful self-destruction... are infamies indeed. They poison human society, but they do more harm to those who practice them than those who suffer from the injury.²

They then firmly stated that

God, the Lord of life, has conferred on men the surpassing ministry of safeguarding life — a ministry which must be fulfilled in a manner which is worthy of man. Therefore from the moment of its conception life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes.³

Third, shortly after the end of Vatican Council II, Pope Paul VI not only clearly condemned abortion as an infamous act, but insisted that this teaching of the Church is "unchanged and immutable."⁴

Fourth, the Sacred Congregation for the Doctrine of the Faith, in a carefully prepared and lengthy Declaration on Procured Abortion, vigorously reaffirmed this constant teaching of the Church. It stated:

The right to life is the primordial right of the human person... the foundation and condition of all others. It is not within the competence of society or public authority, whatever its form, to give this right to some and take it away from others... The right to life does not derive from the favor of other human beings but exists prior to any such favor and must be acknowledged as such. The denial of it is an injustice in the strict sense of the word. Discrimination based on the various stages of human life is no less excusable than discrimination on any other grounds... every human life must be respected from the moment the process of generation begins. For, as soon as the egg is fertilized, a life begins that belongs not to the father or mother but to the new living human being who now develops on his own account. He will never become human if he is not already human.⁵

Finally, in numerous writings and addresses, Pope John Paul II has eloquently championed the pricelessness and the sanctity of every human life, including the life of the unborn, and has emphasized the duty of society to protect this life from conception. Perhaps his most eloquent defense of human life and most scathing denunciation of the terrible evil of abortion was provided by him in his memorable homily on the mall of this nation's capital on Oct. 7, 1979. In that homily, fittingly entitled "'Stand Up' for Human Life," John Paul II had the following to say:

I do not hesitate to proclaim before you and before the world that all human life — from the moment of conception and through all subsequent stages — is sacred, because human life is created in the image and likeness of God... Let me repeat what I told the people during my recent pilgrimage to my homeland: "If a person's right to life is violated at the moment in which he is first conceived in his mother's womb, an indirect blow is struck also at the whole of the moral order which serves to ensure the inviolable goods of man. Among those goods, life occupies the first place..." And so, we will stand up every time that human life is threatened. When the sacredness of life before birth is attacked, we will stand up and proclaim that no one ever has the authority to destroy unborn life.⁶

These statements of the magisterium on the immorality and social injustice of abortion are clear indeed. No one, Catholic or non-Catholic, can legitimately hold that the teaching of the Church on this matter is not clear and unambiguous. In fact, the Declaration on Procured Abortion, referred to previously, was insistent on the clarity of

the Church's "mind" on this question and on the gravely serious obligation in conscience that this teaching imposes upon the faithful. The declaration stated:

We hope that all the faithful, including those who have been confused by current controversies and new views, will clearly understand that here there is no question of simply defending one opinion against others but of declaring the constant teaching of the supreme doctrinal authority, whose function it is to expound the laws or morality in the light of faith. Clearly then, the present Declaration lays a serious obligation on the conscience of the faithful.⁷

Moreover, in speaking out against the infamous crime of abortion, the magisterium of the Church has made it crystal clear that civil law has the obligation to protect the priceless lives of the unborn and that any civil law seeking to legitimate abortion or lethal attacks upon the unborn is an unjust and iniquitous law. The Declaration on Procured Abortion, for instance, insisted that "there are a number of rights of which society itself cannot be the source because they exist prior to society, but which society is obliged nonetheless to protect and render effective," and among these rights, it included the right of the unborn to the secure possession of their lives.⁸ In fact, the Declaration went on to insist, as a matter of Catholic doctrine imposing grave obligations on the conscience of the faithful, that

Whatever the civil law may decree on this matter, it must be taken as absolutely certain that a man may never obey an intrinsically unjust law, such as a law approving abortion in principle. He may not take part in any movement to sway public opinion in favor of such a law, nor may he vote for that law. He cannot take part in applying such a law.⁹

In sum, the Church clearly teaches (a) that every human life, from the moment of conception on, is priceless and endowed with sanctity, (b) that every direct attack on unborn human life or abortion is intrinsically gravely evil, (c) that civil law has an obligation to recognize and protect the right of unborn human beings to the security of their own lives, (d) that civil laws in principle approving of abortion are iniquitous and unjust, and (e) that the Catholic faithful have a serious obligation in conscience not to support or approve of civil laws promoting abortion and not to be party to the application of such laws.

The Question of Ensoulment

The previous citations from the magisterium of the Church make it clear that the Church regards the life which comes into being at conception/fertilization as *human* life. And, indeed, modern science is unmistakably clear on this point, namely, that at conception/fertilization there comes into being a new living entity, biologically identifiable as a member of the human species.¹⁰

Despite this, however, the Church, in its teaching, leaves open for

speculation the question whether human life is from conception onward fully personal, i.e., endowed with a spiritual soul. This point is clarified in the Declaration on Procured Abortion to which reference has already been made. Although the Declaration, as we have seen, insisted that a new human life begins at conception, it nonetheless left open for discussion the issue of the infusion of a spiritual soul. But in leaving this question open, the Declaration made it quite clear that "the moral position taken here on abortion does not depend on the answer to that question." Two reasons were then given to show why the moral question of abortion does not, ultimately, rest on the answer to this question:

1) even if it is assumed that animation comes at a later point, the life of the fetus is nonetheless incipiently *human* (as the biological sciences make clear); it prepares the way for and requires the infusion of the soul, which will complete the nature received from the parents; 2) if the infusion of the soul at the very first moment is at least probable (and the contrary will in fact never be established with certainty), then to take the life of the fetus is at least to run the *risk* of killing a human being who is not merely awaiting but is already in possession of a human soul.¹¹

Here it useful to remind ourselves that for many centuries within the Church, largely because of the influence of Aristotle's biological views, great Catholic theologians, among them Thomas Aquinas, were of the opinion that the spiritual soul was not infused into the new living being until some weeks after conception. Nonetheless, these theologians — and with them the magisterium of the Church — unanimously held that abortion is a seriously disordered, gravely sinful deed.¹²

The Church thus still permits speculation on this question. But despite the freedom of speculation permitted, the Church still clearly teaches that abortion is a grave crime. Moreover, as the Declaration on Procured Abortion makes clear, no one can today reasonably exclude the probability that there is in being from conception onwards, a human being endowed with a spiritual soul. Since one cannot definitively exclude this probability, anyone who is willing to kill the being in question is, from a moral point of view, spiritually prepared to kill a being who may well be fully personal. But to be willing to do this is to be willing to do moral evil. Thus, just as it is immoral to shoot a gun at a moving creature in some bushes unless one has positively excluded the possibility that the creature in question is a human person, so it is immoral to kill the living being within a mother's womb unless one can positively exclude the possibility that this being is a human person, and one cannot exclude this possibility.

Today it is not uncommon for some individuals, including prominent Catholic politicians, to claim that they are personally opposed to abortion, but that they do not wish to impose their private moral views on others in a pluralistic society and therefore wish to affirm the

right of others to choose abortion and to support a legal structure that facilitates this choice.

This position is disingenuous and dishonest. It is true that at times it is necessary to tolerate some immoral choices by others in order to protect more basic values central to the common good of a society. Thus, it may at times be necessary to tolerate a social situation in which the choice of consenting adults to engage in such immoral actions as fornication and sodomy is not legally punished as a crime. But even in such instances, those who know that such activities are immoral must not convey the impression that they approve of these immoral choices or regard them as the exercise of a human right.

Not a 'Victimless' Crime

But in the case of abortion, we are not faced with a "victimless" crime, nor are we confronted by a type of activity which does not impact, and impact seriously, on the common good of the society. The cardinal principle upon which a just and free society rests is respect for the equal dignity and sanctity of human beings. A social policy legitimating abortion, insofar as it unjustly withdraws from some members of the human species the equal protection of the law, violates this principle. This point, as we have seen, is central to the teaching of the Church on the question of abortion. Abortion is not a "religious" issue, but one that directly touches on the principles of justice and fairness central to a society which respects the intrinsic and inalienable dignity of human persons.

Those who claim that they are not pro-abortion but only pro-choice are, in essence, seeking to fool themselves and others. They must take into account the nature of the "choice" which they are championing. In this instance, the choice in question is the choice to kill innocent human life and to exclude from the protection of the law unborn members of the human species. By supporting a choice of this kind, one is supporting a position that sees inviolable human rights, such as the right to life on the part of innocent human persons, not as prior rights of human persons which societies have an obligation to respect, but rather as concessions by a society — concessions which society is free to grant or withhold on arbitrary grounds.,

If the right of unborn human beings to the secure possession of their lives is made dependent on the choice of others, then the right of born human beings is similarly subject to such choices. We have already seen how easy it is to pass from an acceptance of abortion to the acceptance of infanticide or the "benign neglect" of handicapped newborns. This makes it unmistakably clear that here we are dealing, not with an issue of private morality where immoral choices can at times be tolerated, but with a central issue of public morality, where basic and inviolable human rights are at stake.

Legitimate Pluralism within the Church

Today a group called Catholics for a Free Choice and an organization known as the Catholic Committee on Pluralism and Abortion are seeking to claim that Catholics are free to set aside the teaching of the Church on abortion both as an issue of morality and of public policy and adopt the view that abortion can at times be a morally good choice and that it ought to be a legally available option for women faced with "unwanted" pregnancies.

A leading spokesman of both these groups is Daniel C. Maguire of Marquette University. In an essay in *The Christian Century* (September 14-21, 1983), reprinted and widely distributed by Catholics for a Free Choice, Maguire seeks to draw some comparisons between the teaching of the bishops of the United States on the subject of war and peace and their teaching on abortion. He claims that the bishops, in their celebrated pastoral, *The Challenge of Peace*, rightly recognized that there are no simple answers to the complex questions posed by nuclear war and nuclear deterrence. In that pastoral, the bishops made it clear that Catholics were free to dissent from the specific, prudential judgments which the bishops made concerning, for instance, no first use of nuclear weapons. Yet, Maguire continues, when it comes to the complex question of abortion, the bishops are not open to dialogue or to dissent. In honesty, he claims, they should be as open to dialogue and dissent on abortion as they are to the complex issues posed by the nuclear threat.¹³

Maguire's essay, although exceedingly rich in rhetoric is, in my judgment, fundamentally dishonest, despite its subtitle ("A Question of Catholic Honesty"). It is fundamentally dishonest because of the serious distortions Maguire makes in presenting the position of the bishops on the question of nuclear war. While the bishops recognize that some specific policy issues and specific choices facing responsible persons today admit of various morally choiceworthy options, they are quite clear in teaching that certain specific sorts of choices with respect to the waging of war are intrinsically immoral and violate universally binding principles of the natural law. Thus, for example, they are unambiguously clear in reaffirming the constant teaching of the Church that noncombatants are absolutely immune from direct attack and that any act of war, whether conventional or nuclear, which indiscriminately targets noncombatants is intrinsically evil and can never rightfully be chosen.¹⁴ Maguire completely ignores this fundamental teaching of the bishops on justice in war, and he ignores it, I suspect, because he realizes that if he refers to it his whole argument falls apart. In fact, in that same letter, in another passage which Maguire chooses to ignore, the bishops unambiguously affirm that "nothing can justify direct attack on innocent human life, in or out of warfare" and that "abortion is precisely such an attack."¹⁵ In

short, there is no inconsistency in the teaching of the bishops on abortion and their teaching on war. They hold, as the Church has always held and as the Church will continue to hold until the end of time, that there are universally binding principles of the natural and evangelical law, and that these principles absolutely proscribe the choice to kill innocent human persons.¹⁶

Catholic teaching on the question of abortion — and on the question of killing innocent people in war — is unmistakably clear. This teaching is presented to the faithful as certain and true, and the faithful have an obligation in conscience to give internal religious assent to this teaching.¹⁷ The effort to set it aside and to claim that teaching in contradiction to it can be legitimately entertained by Catholics is spurious and deceitful. The deceitfulness of this attempt, I believe, is manifested by Maguire's choice, knowingly made, to conceal from his readers significant passages from the pastoral on war and peace, passages which he knew could not support and indeed were intrinsically destructive of the thesis that he sought to establish in his article.

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